

## **REMARKS**

### **Drawings Rejection**

Formal drawings were previously submitted under the Response to Office Action dated October 13, 2005.

### **Art Rejection**

There seems to be a fundamental misunderstanding by the Office about the scope of coverage of pending claim 31. Claim 31 defines an electrochemical energy storage device including both an electrolyte and a perfluorinated surface-active substance different from said electrolyte. In the 35 U.S.C. §103 rejection in the Office Action, Kato is cited for the disclosure of a porous carrier material (expanded PTFE) for the electrolyte having an inner pore structure in which a perfluorinated surface-active substance is present. As noted in the Action, it is the ionic exchange resin that is the perfluorinated carbon-based ionic exchange resin which is filled in the pores in Kato. Kato is combined with Branca, which teaches a particular type of PTFE. Neither reference, nor their combination, teaches coating the inner surface of the porous carrier material with perfluorinated surface-active substance which allows for penetration of a separate electrolyte into the pores of the carrier material. This construction is particularly useful in electrochemical energy storage devices such as those claimed according with the present invention.

The invention defined by the present claim is explained at page 2, lines 22-29 of the PCT publication of the present application. There, it is explained,

In a preferred embodiment the inner pore structure of the porous material is coated at least partly with the perfluorinated surface-active substances. Since the presence of the surface-active substance is realized in the form of a layer, excellent ion flow can be maintained in the electrolyte by the pore structure, as compared to the pores being filled with perfluorinated surface-active substance. In addition, providing a layer on the inner surface of the pore structure does not reduce the receiving capacity of the carrier material for an electrolyte.

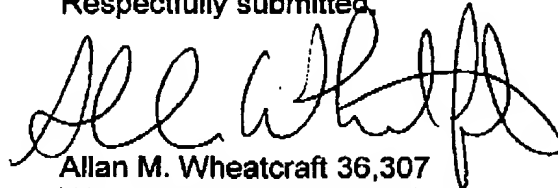
Accordingly, because a critical feature of the present invention involves the use of the perfluorinated surface-active substance on the inner pore structure which allows for penetration of the electrolyte, it cannot be

said that a reference merely disclosing the presence of a perfluorinated surface-active substance as the electrolyte itself serves a primary basis for an obviousness rejection of the present claim.

For the same reasons, the obviousness-type double patenting rejection is traversed. In the Official Action, applicants' previous response to this rejection is addressed by saying "applicants argue that the term "ionic exchange material" in claim 15 of U.S. Patent No. 6,613,203 would not suggest the use of "electrolytes" or "perfluorinated surface-active substances" as in claim 31." In fact, applicants are arguing that claim 15 does not render obvious the use of both an electrolyte and a perfluorinated surface-active substance.

Reconsideration is respectfully requested

Respectfully submitted,



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